

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

CHARLOTTE CHAPMAN ALLYN,

Plaintiff,

vs.

METROPOLITAN LIFE INSURANCE
COMPANY,

Defendants.

Case No: C 09-5671 SBA

ORDER

Docket 92, 94

On September 26, 2011, pro se Plaintiff Charolette Chapman Allyn ("Plaintiff") filed a document entitled "Plaintiff's Voluntary Dismissal." Dkt. 92. On September 27, 2011, Plaintiff filed a document entitled "Amended Plaintiff's Voluntary Dismissal." Dkt. 94. Under Federal Rule of Civil Procedure 41, a Court order is required to dismiss the plaintiff's action, unless the defendant has not answered or filed for summary judgment or unless all parties file a stipulation seeking dismissal. Fed. R. Civ. P. 41(a)(1)&(2). Defendant Metropolitan Life Insurance Company ("Defendant") has answered and filed for summary judgment. Dkt. 62, 80. Plaintiff has not filed a stipulation of dismissal signed by Defendant. Accordingly,

IT IS HEREBY ORDERED THAT Defendant file a memorandum of no more than five (5) pages with the Court within seven (7) days from the date of this Order stating whether it opposes Plaintiff's request for voluntary dismissal with prejudice, and, if so, the reasons for its opposition.

IT IS SO ORDERED.

Dated: September 28, 2011


SAUNDRA BROWN ARMSTRONG
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 CHARLOTTE CHAPMAN ALLYN,

5 Plaintiff,

6 v.

7 METROPOLITAN LIFE INSURANCE et al,

8 Defendant.
9 _____/

Case Number: CV09-05671 SBA

10 **CERTIFICATE OF SERVICE**

11
12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
13 Court, Northern District of California.

14 That on September 30, 2011, I SERVED a true and correct copy(ies) of the attached, by placing
15 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
16 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
17 receptacle located in the Clerk's office.

18 Charlotte Chapman Allyn
19 P.O. Box 2026
Napa, CA 94558

20 Dated: September 30, 2011

Richard W. Wieking, Clerk

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22 By: LISA R CLARK, Deputy Clerk
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